

### **REMARKS**

This response is intended as a full and complete response to the final Office Action mailed March 19, 2008. In the Office Action, the Examiner notes that claims 1-15 are pending and rejected. In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Further, all of the claims satisfy the requirements of 35 U.S.C. §112, ¶2. Therefore, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

### **35 U.S.C. §112 Rejection of Claims 8, 9, 10 and 15**

The Examiner has rejected claims 8, 9, 10, and 15 under 35 U.S.C. §112, ¶2, stating that the term "relevant" in claims 8, 9, 10, and 15 is a relative term which renders the claims indefinite. Applicants have amended claims 8, 9, 10, and 15. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **35 U.S.C. §102 Rejection of Claims 1-15**

The Examiner has rejected claims 1-15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 7,260,823 to Schlack et al. (hereinafter "Schlack"). Applicants respectfully traverse the rejection.

### **Claims 1, 3-15**

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Schlack reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

Specifically, the Schlack reference fails to teach or suggest at least:

"parsing dynamically, in accordance with a set of stored processing rules, a stream of command signals generated by a control unit in response to control sequences entered into the control unit by a viewer to generate

information representative of the viewer's viewing behavior, wherein the parsing comprises interpreting at least one signal from the stream of command signals based on the viewer profile,"

as recited in independent claim 1 (emphasis added).

The Examiner asserts that the above recited and underlined element of Applicants' claim 1 is disclosed in Schlack, citing col. 6, line 65 to col. 7, line 9.

Applicants respectfully disagree. The cited portion states:

In one embodiment, the profiler comprises an event queue that stores viewer interactivity as viewer-generated events. The profile engine accepts events from the event queue, reads database information (e.g., program data), and processes the events to produce the subscriber profiles. Events are dispatched to the profiling engine based on the clock time, and each of these events may be used to update and modify the viewer's profile. In a preferred embodiment the profile engine uses filters to process events. Each filter may handle one or more profiles elements, determining whether or not each specific event is applicable to (i.e., should be used to update) one or more profiles (emphasis added).

The cited portion discloses that the viewer-generated events may be used to create, update, and modify the viewer's profile. Schlack further discloses that the events are processed using filters, where each filter determines whether a specific event is applicable to one or more profiles. However, using the viewer-generated events to update the viewer' profile and/or using filters to process the events is entirely different from interpreting such events based on the viewer' profile.

According to Schlack, "the profile filters 250 are a set of components that implement an interface and provide mechanisms to profile the viewer based on viewer interaction with the television. ... Each profile filter 250 determines whether or not the event is relevant to the data the profile filter 250 is tracking. Each filter performs an aspect of profiling. For example, one filter may track average channel change frequency while another tracks preferred content" (see col. 17, lines 25 – 34).

However, determining whether an event is relevant is not the same as interpreting the event. Further, nowhere does Schlack disclose that determining relevance of an event to a profile is based on that profile. To the contrary, Schlack's filters are data type specific (e.g., channel change frequency) and the same filter may be used to process events for multiple profiles. Accordingly, the profile filter does not rely on a particular viewer profile to determine whether an event is relevant to that

profile. Therefore, Schlack fails to teach or suggest “interpreting at least one signal from the stream of command signals based on the viewer profile,” as recited in independent claim 1, and thus claim 1 is allowable under 35 U.S.C. §102(b).

Because all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Schlack under 35 U.S.C. §102.

Therefore, Applicants respectfully request that the Examiner’s rejection be withdrawn.

**Claim 2.**

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Schlack reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 2. Specifically, the Schlack reference fails to teach or suggest at least: “means for dynamically determining at least one viewing recommendation based on the generated information” (emphasis added).

The Examiner asserts that this element of Applicants’ claim 2 is disclosed in Schlack, citing col. 36, lines 51-55. The cited portion states that “[t]he signature profiles may be used to target content (advertisements, pay per view (PPV) events, video on demand (VOD) programming) to the subscribers or to customize their viewing environment (i.e., favorite programs listed first in EPG, format of EPG).” However, Schlack does not disclose that the targeted content is determined “dynamically.” Accordingly, Schlack does not teach or suggest each and every element of Applicants’ claim 2, and thus, claim 2 is allowable under 35 U.S.C. §102.

Therefore, Applicants respectfully request that the Examiner’s rejection be withdrawn.

**CONCLUSION**

Thus, Applicants submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. §102. Further, all of the claims satisfy the requirements of 35 U.S.C. §112, ¶2. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: \_\_\_\_\_

*5/19/08*

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